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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/845,388 | 04/30/2001 | Patricia D. Lopaz | 10005748-1 | 2739 |

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| EXAMINER | |
|---|---|
| HANNETT, JAMES M | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2612 | |

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/845,388 | LOPAZ, PATRICIA D. | |
| | Examiner | Art Unit | |
| | James M. Hannett | 2612 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *3, 6, 9, 12, 25, 27, 39, 41,44 and 47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,6,9,12,25,27,39,41,44 and 47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 1/21/2005 have been fully considered but they are not persuasive. The applicant argues that Safai does not teach the method of automatically commencing transfer when a network connection is present.

The examiner points out that Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present.

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Digital camera that can transmit images to one or more specified destination.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1:** Claims 9, 12, 44, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,715,003 Safai.

2: As for Claim 9, Safai teaches on Column 11, Lines 6-11 a method for the sharing of digital images comprising the steps of: creating an image intent file (address image); transferring the image intent file to an image capture device; Safai teaches on Column 7, Lines 37-43 capturing a digital image; and sharing the digital image as specified in the image intent file when at least one intent object has been selected from the image intent file. Column 10, Lines 45-67. Safai teaches on Column 15, Lines 27-32 and Column 6, lines 11-15 the sharing step includes downloading image and intent information (address information) from the image capture device (camera) to an electronic device (server) through a cable (telephone line). Safai teaches on Column 15, Lines 23-32 the sharing step is initiated by the connection of the cable (telephone line) between the image capture device (camera) and the electronic device (server). The first step for transferring the image data to the server requires the telephone line to be connected. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present.

3: In regards to Claim 12, Safai teaches on Column 11, Lines 6-11 a method for the sharing of digital images comprising the steps of: creating an image intent file (address image); transferring the image intent file to an image capture device; Safai teaches on Column 7, Lines 37-43 capturing a digital image; and sharing the digital image as specified in the image intent file when at least one intent object has been selected from the image intent file. Column 10, Lines 45-67. Safai teaches on Column 3, Lines 35-39 the sharing step includes transferring image and intent information (address information) from the image capture device (camera). Safai teaches on Column 6, lines 18-21 that he specific communications port is not critical. Furthermore, Safai

teaches on Column 1, Lines 53-58 that it was well known to transfer image files to a personal computer by means of removable memory card. Safai teaches on Column 1, lines 58-64 the computer can read images stored in a memory card. The first step for transferring the image data to the computer requires the memory card to be connected to the computer. Therefore, the sharing step is initiated by the insertion of the removable memory card. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present.

4: In regards to Claim 44, Safai teaches on Column 11, Lines 6-11 teaches an image capture system comprising: means for creating an image intent file (address image); means for transferring the image intent file to an image capture device; Column 7, Lines 37-43. Safai teaches means for capturing a digital image (CCD); and means for sharing the digital image as specified in the intent file when at least on intent object has been selected from the image intent file; Column 10, Lines 45-67. Safai teaches on Column 15, Lines 27-32 and Column 6, lines 11-15 the sharing step includes downloading image and intent information (address information) from the image capture device (camera) to an electronic device (server) through a cable (telephone line). Safai teaches on Column 15, Lines 23-32 the sharing step is initiated by the connection of the cable (telephone line) between the image capture device (camera) and the electronic device (server). The first step for transferring the image data to the server requires the telephone line to be connected. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present.

5: As for Claim 47, Safai teaches on Column 11, Lines 6-11 teaches an image capture system comprising: means for creating an image intent file (address image); means for transferring the image intent file to an image capture device; Column 7, Lines 37-43. Safai teaches means for capturing a digital image (CCD); and means for sharing the digital image as specified in the intent file when at least on intent object has been selected from the image intent file; Column 10, Lines 45-67. Safai teaches on Column 3, Lines 35-39 the sharing step includes transferring image and intent information (address information) from the image capture device (camera). Safai teaches on Column 6, lines 18-21 that he specific communications port is not critical. Furthermore, Safai teaches on Column 1, Lines 53-58 that it was well known to transfer image files to a personal computer by means of removable memory card. Safai teaches on Column 1, lines 58-64 the computer can read images stored in a memory card. The first step for transferring the image data to the computer requires the memory card to be connected to the computer. Therefore, the sharing step is initiated by the insertion of the removable memory card. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**6:** Claims 3, 6, 25, 27, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,715,003 Safai.

7: As for Claim 3, Safai teaches on Column 11, Lines 6-11 a method for the sharing of digital images comprising the steps of: creating an image intent file (address image); transferring the image intent file to an image capture device; Safai teaches on Column 7, Lines 37-43 capturing a digital image; and sharing the digital image as specified in the image intent file when at least one intent object has been selected from the image intent file. Column 10, Lines 45-67. Safai teaches on Column 6, Lines 15-17 the transferring step uses at least one infrared transmitter and at least one infrared receiver. Safai teaches that the transferring step can be performed by using infrared transition. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold.

Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

8: In regards to Claim 6, Safai teaches on Column 11, Lines 6-11 a method for the sharing of digital images comprising the steps of: creating an image intent file (address image); transferring the image intent file to an image capture device; Safai teaches on Column 7, Lines 37-43 capturing a digital image; and sharing the digital image as specified in the image intent file when at least one intent object has been selected from the image intent file. Column 10, Lines 45-67. Safai teaches on Column 6, Lines 11-21 the sharing step includes downloading the digital image to a computer from the image capture device using wireless technology. Safai teaches that the transferring step can be performed by using infrared transition. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold.

Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

9: As for Claim 25, Safai teaches on Column 6, Lines 1-21 an image capture system comprises: a memory (212); a receiver (214) coupled with the memory (212) capable of

receiving an image intent file (address information) Column 11, Lines 6-11; a display (108) coupled with the memory (212) capable of displaying objects contained within the image intent file (address information), Column 8, Lines 40-56; Safai teaches a control coupled with the display (108) and the memory (212) allowing the selection of at least one of the displayed objects from the display (108); Column 10, Lines 59-67. Safai teaches on Column 3, Lines 35-39 a transmitter coupled with the memory and the at least one control, capable of transmitting at least one image and at least one of the objects to an electronic device. Safai teaches transferring image and intent information (address information) from the image capture device (camera). Safai teaches on Column 6, lines 18-21 that he specific communications port is not critical. Safai teaches that the transferring step can be performed by using infrared transition. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold.

Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

10: As for Claim 27, Safai teaches on Column 6, Lines 1-21 an image capture system comprises: a memory (212); a receiver (214) coupled with the memory (212) capable of receiving an image intent file (address information) Column 11, Lines 6-11; a display (108) coupled with the memory (212) capable of displaying objects contained within the image intent file (address information), Column 8, Lines 40-56; Safai teaches a control coupled with the display (108) and the memory (212) allowing the selection of at least one of the displayed objects from the display (108); Column 10, Lines 59-67. Safai teaches on Column 3, Lines 35-39 a transmitter coupled with the memory and the at least one control, capable of transmitting at least one image and at least one of the objects to an electronic device. Safai teaches transferring image and intent information (address information) from the image capture device (camera). Safai teaches on Column 6, lines 18-21 that he specific communications port is not critical. Safai teaches on Column 6, Lines 15-1the transmitter is an infrared transmitter. Safai teaches that the transferring step can be performed by using infrared transition. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold.

Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

11: As for Claim 39, Safai teaches on Column 11, Lines 6-11 teaches an image capture system comprising: means for creating an image intent file (address image); means for transferring the image intent file to an image capture device; Column 7, Lines 37-43. Safai teaches means for capturing a digital image (CCD); and means for sharing the digital image as specified in the intent file when at least on intent object has been selected from the image intent file; Column 10, Lines 45-67. Safai teaches on Column 6, Lines 15-17 the means for transferring uses at least one infrared transmitter and at least one infrared receiver. Safai teaches that the transferring step can be performed by using infrared transition. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold.

Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal

strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

12: As for Claim 41, Safai teaches on Column 11, Lines 6-11 teaches an image capture system comprising: means for creating an image intent file (address image); means for transferring the image intent file to an image capture device; Column 7, Lines 37-43. Safai teaches means for capturing a digital image (CCD); and means for sharing the digital image as specified in the intent file when at least on intent object has been selected from the image intent file; Column 10, Lines 45-67. Safai teaches on Column 6, Lines 11-21the means for sharing includes downloading the digital image to a computer from the image capture device using wireless technology. Safai teaches that the transferring step can be performed by using infrared transition. Safai teaches in Column 28, Lines 1-6 that the camera of Safai contains a function of automatically dialing a pre-defined telephone number in order to transfer the images. Therefore, Safai teaches automatically initiating a step when a connection is present. However, Safai does not give specifics of the IR transition step and does not specifically teach that the transition is initiated by the proximity of the infrared transmitter to the infrared receiver crossing a proximity threshold.

Official notice is taken that it was well known in the art at the time the invention was made to design IR transmitters to initiate transition only after the signal strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to initiate the IR transition in the camera of Safai only after the signal

strength has reached a predetermined threshold in order to avoid signal loss do to a low signal to noise ratio.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612

JMH
June 6, 2005

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